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(Application to Appoint Appraiser—#66)

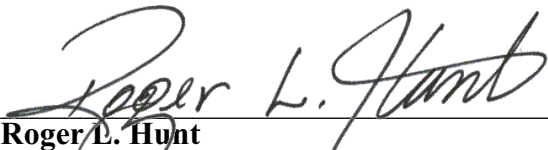
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1 Defendant Goddard's Application suggests that the Court has no discretion in the
2 matter. The suggestion is inaccurate. The purpose of N.R.S. §40.457 is to obtain an independent
3 and neutral appraisal when there is a significant discrepancy between the appraisals of the parties.
4 However, a court's failure to appoint an appraiser even where there was a large discrepancy was not
5 oppressive or arbitrary and there was not an abuse of discretion, nor is the court required to adopt
6 the opinion of the appraiser. *See Unruh v. Streight*, 96 Nev. 684, 615 P.2d 247 (1980).

7 In this case there has been no showing of a huge discrepancy. In fact, Mr. Goddard
8 did not obtain the services of an appraiser and Town & Country Bank has obtained its own
9 appraiser in this matter. Now, it appears that Mr. Goddard wishes the Court to bear the burden of
10 obtaining another appraiser in the apparent hope that a different appraisal will be more favorable to
11 Defendant Goddard. The Court declines to take sides or provide Mr. Goddard an appraiser under
12 these circumstances.

13 IT IS THEREFORE ORDERED that Defendant Brian Goddard's **Application to**
14 **Appoint Appraiser** (#66) is DENIED.

15 Dated: March 29, 2011.

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18 **Roger L. Hunt**
19 **Chief United States District Judge**
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